

HOUSE BILL 2146  
By Fitzhugh

AN ACT to amend Tennessee Code Annotated, Section 8-23-103; Title 9; Title 16 and Title 65, relative to the judiciary.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 9-8-303, is amended by deleting the words "Class One commissioner" and by substituting instead the words "circuit court judge".

SECTION 2. Tennessee Code Annotated, Section 8-23-103, is amended by deleting the section in its entirety and by substituting instead the following:

(a) If the comptroller of the treasury and the commissioner of finance and administration jointly certify that the Tennessee court information system [*generally known as "TnCIS" and specifically mandated in 1999 by the provisions of § 16-3-803(h)*], is operational and implemented in at least nine (9) counties on September 1, 2006, then beginning on such date the base salaries for all state judges and chancellors shall be as follows:

(1) Chancellors, circuit court judges, criminal court judges and law and equity judges shall receive one hundred thirty-two thousand four hundred twenty-eight dollars (\$132,428) per annum; judges of the court of appeals and the court of criminal appeals shall receive one hundred thirty-seven thousand six hundred thirty-six dollars (\$137,636) per annum; and justices of the supreme court shall receive one hundred forty-three thousand five hundred twenty-eight dollars (\$143,528) per annum; and

(2) On July 1, 2007, the base salaries fixed in this subsection shall be adjusted in accordance with the formula contained in § 8-23-101 (d)(3) reflecting

the percentage of change between calendar year 2005 and calendar year 2006. Each succeeding July 1, a similar adjustment shall be made based upon the percentage of change in the average consumer price index between the two (2) calendar years preceding July 1 of the year in which the adjustment is made. However, no reduction shall be made by way of adjustment on account of any decrease in the average consumer price index between two (2) successive calendar years. No adjustment provided for herein shall exceed five percent (5%) per annum except when the change in the average consumer price index exceeds ten percent (10%), in which event the adjustment shall be equal to five percent (5%) plus one percent (1%) for each one percent (1%) or fraction thereof beyond ten percent (10%).

(b) If the comptroller of the treasury and the commissioner of finance and administration are unable to jointly certify that the Tennessee court information system [*generally known as "TnCIS" and specifically mandated in 1999 by the provisions of § 16-3-803(h)*], is operational and implemented in at least nine (9) counties on September 1, 2006, then subsection (a) shall have no effect and beginning on such date the base salaries for all state judges and chancellors shall be as follows:

(1) Chancellors, circuit court judges, criminal court judges and law and equity judges shall receive one hundred twenty-five thousand four hundred twenty-eight dollars (\$125,428) per annum; judges of the court of appeals and the court of criminal appeals shall receive one hundred thirty thousand six hundred thirty-six dollars (\$130,636) per annum; and justices of the supreme court shall receive one hundred thirty-six thousand five hundred twenty-eight dollars (\$136,528) per annum; and

(2) On July 1, 2007, the base salaries fixed in this subsection shall be adjusted in accordance with the formula contained in § 8-23-101 (d)(3) reflecting the percentage of change between calendar year 2005 and calendar year 2006. Each succeeding July 1, a similar adjustment shall be made based upon the percentage of change in the average consumer price index between the two (2) calendar years preceding July 1 of the year in which the adjustment is made. However, no reduction shall be made by way of adjustment on account of any decrease in the average consumer price index between two (2) successive calendar years. No adjustment provided for herein shall exceed five percent (5%) per annum except when the change in the average consumer price index exceeds ten percent (10%), in which event the adjustment shall be equal to five percent (5%) plus one percent (1%) for each one percent (1%) or fraction thereof beyond ten percent (10%).

SECTION 3. This act shall take effect September 1, 2006.